

PROB 12C
(7/93)

Report Date: March 23, 2011

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR 01 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Eduardo Abundiz

Case Number: 2:07CR02080-004

Address of Offender: 5211 Cayuse Lane, Yakima, WA 98901

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 10/23/2008

Original Offense: Conspiracy to Distribute Controlled Substance, 21 U.S.C. § 846

Original Sentence: Prison - 364 Days; TSR - 36 Months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Gregory M. Shogren

Date Supervision Commenced: 10/30/2009

Defense Attorney: Rick Lee Hoffman

Date Supervision Expires: 10/29/2012

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 5/17/2010.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

6 **Mandatory Condition #2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Eduardo Abundiz was charged with malicious mischief second degree, in Yakima County Superior Court, docket number 11-1-00092-9, on January 21, 2011.

Information obtained from the Moxee police report indicates an officer was dispatched to an area where a citizen reported that he/she observed a vehicle driving in a reckless manner and speeding. The vehicle had red/blue/white strobe police style lights. The citizen followed the vehicle to an address on Cayuse Lane. The citizen stated that a male came out of the residence and threw a rock at the citizen's vehicle causing damage. The citizen left the area and contacted the police.

A short time later, an officer observed the vehicle in question and completed a traffic stop. The officer contacted the driver, who denied speeding or driving in a reckless manner. The officer detected an odor of intoxicants coming from the vehicle. Mr. Abundiz was a passenger in the vehicle and disclosed to the officer that they had just left the home on

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Cayuse Lane. Mr. Abundiz stated nothing happened at his residence and he did not know anything about rocks being thrown at his house or any vehicles in his driveway.

The citizen positively identified Mr. Abundiz as having thrown the rock at his vehicle. The officer arrested Mr. Abundiz. After his Miranda Rights, Mr. Abundiz denied having thrown any rocks at the victim's car. He later stated that he has the right to protect his property. He indicated he was at his home, on his property, and the citizen should not have parked his car on his property.

The officer also noted that Mr. Abundiz was wearing clothing that matched the person who had come out of the residence and threw the rocks at his car.

The officer observed a toggle switch in the interior of the vehicle on the lower portion of the dash near the steering column. As the officer moved the switch, the vehicle's light would switch from high beams to low beams, that could be mistaken for a police vehicle. The driver refused to speak with the officer, therefore, they could not question him about the lights.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 03/23/2011

s/Stephen Krous

Stephen Krous
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Other



Signature of Judicial Officer

4/1/11

Date